

# A Congress of Cannibals: The Evolution of Professional Staff in Congress

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## Abstract

The modern U.S. Congress is supported by thousands of professional staffers who perform a myriad of administrative tasks that directly influence the legislative process. Despite their importance, staffing resources have not increased to meet the growth in population and workload in recent debates. Instead, Congress has routinely opted to “cannibalize” its staff budgets, leading to questions about the branch’s capacity to meet legislative demands. In this paper, we evaluate factors that influence congressional expansions or reductions of staff over time. Using a series of case studies and historical data, we find that early opposition to expanding staffing resources was primarily rooted in electoral concerns. Eventually, inter-branch politics played an important role in passing legislation that increased staff support for members. Later debates featured concerns that staff would exacerbate congressional workload. Finally, we conclude by highlighting modern attitudes toward staff, suggesting that Congress is now incentivized to erode staffing resources.

# Introduction

The size of the House of Representatives has been fixed at 435 voting members since the Apportionment Act of 1911 while the number of voting senators has not changed since the introduction of Alaska and Hawaii to the union in 1959. But while the number of *members* has remained steady for decades, the size of Congress as an institution has risen and fallen dramatically based on the size of its supporting staff. Support staff may operate behind the scenes of Congress but they are critical to nearly every element of congressional activity. They write speeches, draft legislation and amendments, schedule hearings, provide expert testimony, respond to constituents, and even negotiate compromises. No single member of this support staff is critical to the operation of Congress, but without an army of several thousand such staffers the modern Congress could not function.

Staff are critical to understanding and measuring the institutionalization of Congress over time. Polsby (1968) noted that Congress had institutionalized over time through increasing well boundedness, complexity, and universalistic decision making. Importantly, he noted that the House of Representatives' internal complexity:

“can be shown in three ways: in the growth in the autonomy and importance of committees, in the growth of specialized agencies of party leadership, and in the general increase in the provision of various emoluments and auxiliary aides to members in the form of office space, salaries, allowances, staff aid, and committee staffs” (Polsby, 1968, 153).

Staff are critical to all aspects of this increasing complexity as committee and leadership staff make autonomy and specialization possible. Staff have also transformed the individual member offices. Whereas once members of Congress performed their own clerical tasks including receiving and answering mail, now offices are expanded to the point where scholars have likened members to being the CEO of a small business who manages a bureaucracy (Loomis, 1979). These increases in the size of the institution took place with difficulty over

the course of more than a century of often heated political disagreement.

The increase in staff resources, however, is not monotonic over time especially when considering the changing congressional workload. From the 1979 to 2009, the total United States population increased by just over one-third, jumping from approximately 225 million to 307 million. Total federal government spending increased sharply as well, moving from 504 million to 3.5 billion. During this same twenty year period, the capacity for the nation's elected assembly to service this larger population and government decreased. Specifically, the number of staffers employed by U.S. House and Senate members and committees fell from 16,803 to 15,046 (Mann and Ornstein, 2012). The chamber's two key support agencies—the Government Accountability Office (GAO) and the Congressional Research Service (CRS)—employ 20 percent fewer employees today than did in 1979 as well (Drutman and Teles, 2015). Moreover, a 2014 Congressional Research Service report on Congressional Salaries and Allowances notes member salary allowances in the House is lower than Fiscal Year 2007, the Senate is as low as Fiscal Year 2008 and that the number of staffers a House member is allowed to employ has remained constant for “nearly four decades” (Brudnick, 2014, 5). This issue is further exacerbated by the fact that members are increasingly allocating a greater proportion of their staff in their home district.<sup>1</sup>

Journalists and scholars have documented this issue and its potential effects (Bernstein, 2015; Kosar, 2015). Some have argued that in the absence of experienced staffers, members must rely on interest groups for information and policy suggestions (Drutman, 2015; Drutman and Teles, 2015).<sup>2</sup> Others suggest decreasing staff capacity has lead to less oversight of the

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<sup>1</sup>Over time, the House has shifted from a low of 30% of staff assigned to district offices in the 1970s to nearly 50% of staff assigned to the district since the mid 2000s. During the same time period, the Senate has shifted from just about 25% to over 40% of its staff serving in state rather than DC offices. Because staff outside of DC has less impact on legislative activity, this trend may influence the capacity of Congress to carry out oversight and produce legislation (Madonna and Ostrander, 2014).

<sup>2</sup>There are numerous examples of stories highlighting the impact of lobbyists on legislative content (Stein and Gurwitz, 2015). A 2015 *Politico* piece documents how a defense contractor lobbyist claimed a bill revising rules for how the Pentagon procures weapons were “word-for-word adaptations” of their language (Wright and Munsil, 2015). In 2013, it was widely reported that language rolling back consumer protection provisions in the Dodd-Frank Consumer Protection Act was written by lobbyists for Citigroup and other banks (Chang,

executive branch (Kamarck, 2016), an increasing reliance on unpaid interns (Lurie, 2013), fewer bills being introduced and adopted (Madonna and Ostrander, 2014), more “gridlocked” issues (Chergosky and Roberts, 2015) and an increase in unilateral executive action (Bolton and Thrower, 2016). Additional work has demonstrated that as staffers move from office to office, they disseminate legislative knowledge and expertise (Montgomery and Nyhan, 2016).<sup>3</sup>

While the issue is important, congressional reticence to provide staffing resources is neither surprising, nor is it new. From 1890 to 1946, the U.S. population more than doubled and government spending experienced more than an eleven-fold increase. Despite that, congressional staffing changed very little during that period (Caro, 2002; Fox and Hammond, 1977; Malbin, 1980; Galloway, 1946). Opposition to increasing staff resources represented a combination of normative concerns that staff would discourage members from gaining expertise, exacerbate workload issues and political fears regarding voters’ perceptions of the issue.<sup>4</sup> On the former, members and scholars have argued more staff lead to more position-taking and electorally motivated behavior and not increased expertise. This view is nicely illustrated by Fox and Hammond (1977, 5), who quote Senator Herman Talmadge (D-GA) arguing that “more staff and more clerks” mean more “bills, resolutions or amendments.” Or as Malbin (1980, 7) puts it: “[M]embers want aides who will dream up new bills and amendments bearing their bosses’ names instead of helping the bosses understand what is

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2013; Lipton and Protess, 2013). At the state-level, the American Legislative Exchange Council (ALEC) has generated a great deal of attention for its pre-written legislation that it makes available to conservative lawmakers—many of whom lack the capacity to research and write legislation themselves (Hertal-Fernandez, 2013). Notably, though, these stories are anecdotal and stories of lobbyist influence on legislating extend back throughout congressional history.

<sup>3</sup>Journalistic accounts additionally suggest that Congress’ perceived inability to address technical issues is related to the shuttering of the nonpartisan Office of Technology Assessment in the 104th Congress (see e.g. Sadowski 2012; Wexler 2015).

<sup>4</sup>This point was made bluntly by former Senate Minority Leader Everett Dirksen (R-IL) in a 1942 speech he gave entitled “What is Wrong With Congress?” Dirksen argued that: “The thing that is wrong with Congress is fear; not fear of lobbies, not fear of criticism, not fear of the dead cats that are thrown at us ever so often; it is a fear that I observed years ago of doing something for ourselves as an institution (*Congressional Record*, 77th Congress, October 1, 1942, 7697).

already on the agenda.”

This chapter explores the history and development of staff support in the U.S. Congress from the earliest clerks to the most recent political controversies. Through case studies and limited empirical data, we trace the history of legislative proposals concerning staff support and evaluate how the arguments have evolved over time. In the next section, we outline the evolution of congressional staffing from the mid 1800s to the 1990s. Specifically, we suggest that before the Second World War early opposition to expanding staffing resources was primarily rooted in electoral concerns. Next, we examine the cases of the Legislative Reorganization Acts of 1946 and 1970 to demonstrate that these electoral concerns eventually gave way to arguments regarding inter-branch politics. In the 1990s, Congress actually reduced many kinds of staff over concerns related to the size of government and growing concerns over staff-induced inefficiencies. We also highlight modern attitudes toward staff, suggesting Congress will likely continue “cannibalizing” its staff budgets before demonstrating the influence of these cuts on aggregate staff numbers over time.

## A History of Staffing

Assistance to members of Congress and congressional committees was virtually nonexistent prior to the 1840s. Only in that decade did some congressional committees begin hiring part-time, temporary clerks (Fox and Hammond, 1977; Malbin, 1980). In 1856, the Senate Finance and House Ways and Means committees received regular appropriations for full time clerks. They were followed by other major committees and by 1900, nearly all standing committees in both chambers were provided some appropriation for professional staffing (Kofmehl, 1962). This greatly increased the value of committee chairmanships, as personal and committee tasks were not distinguishable in either chamber (Malbin, 1980). Committee staffers thus frequently worked on the chair’s district and personal issues. This, many suggested, explained the early difficulty in eliminating committees and clarifying ju-

risdictions. Committees with limited duties and scope, which were ripe for elimination, were precisely those committees which proved profitable to chair for members in search of scarce staffing resources.

Clerks for individual senators were not authorized until 1885, while individual representatives did not receive them until 1893 (Fox and Hammond, 1977). Debates over staffing in the early Congresses featured concern over the electoral implications of increasing member benefits. A good example comes from the debate over authorizing clerks for individual representatives in 1893. The measure, H.J. Res. 196, introduced by Rep. Charles Jahleal Boatner (D-LA), essentially provided non-committee chairs in the House a committee clerk during the session at an amount not exceeding 100 dollars a month. The controversial measure was considered by the House in the final days of the lame-duck 52nd Congress. The dynamics of a lame-duck session, in which departing members may vote on proposals without fear of future electoral consequences, may be more favorable to the passage of more controversial measures (Jenkins and Nokken, 2008). When Rep. Boatner moved to suspend the rules and pass the measure he was immediately met with obstruction by opponents.

Table 1: 1893 House Vote for Personal Staff

	Yea	Nay
Democrat	96	48
Republican	36	4

As demonstrated in Table 1, the 1893 measure to create staff support for personal offices passed with support from both main parties.<sup>5</sup> The support, however, was much more pronounced in the then minority Republican Party. One reason for minority party support could be that existing staff, which was tied to committees or to committee chairs, were invariably chosen by and thus more responsive to the majority party members. In effect, this provided

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<sup>5</sup>These data available on Voteview. These numbers may not exactly align with the final vote tally because of the presence at the time of populist party House members.

minority party members with an incentive to support the creation of personal office staff. Of course, other divisions existed. Committee chairs would undoubtedly lose a small measure of power that their extra staff support provided. Furthermore, many wealthy members at the time simply paid for secretarial support out of “personal funds” rather than rely on the legislature to provide it (Fox and Hammond, 1977, 15). Though the measure ultimately succeeded with bipartisan support, taking the step to provide clerks for individual members was still hotly contested.

Early arguments against the expansion of staffing resources tended to fall within two categories. Some opponents argued that current levels were already adequate. A larger proportion of speakers pointed to the electoral implications of adopting the resolution and chastised supporters for considering it during the lame duck period of the Congress.<sup>6</sup> Such speakers suggested supporting staff increases would have dire electoral consequences and sought to tie the proposal to previous “salary grab acts”.<sup>7</sup> Rep. William Holman (D-IN) warned that they would “blush for” passing such an act when they met their constituents. More directly, Representative George Dionysius Tillman (D-SC) mockingly told supporters to “vote yourselves these clerks; and as sure as God is in heaven many of you will not need them long (*Congressional Record*, 52nd Congress, March 2, 1893, 2477).”

In contrast, members supporting staff increases pointed to the increasingly heavy congressional workload, the growth of constituent correspondence and the fact that the Senate already had implemented such a provision.<sup>8</sup> Some supporters also asserted that their opponents were merely grandstanding while others suggested that adopting the proposal would make reforming the committee system easier. Still, members were clearly aware of the elec-

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<sup>6</sup>For example, Rep. Marriott Brosius (R-PA) sarcastically inquired if it could “amended so as to make it take effect at the opening of the Fifty-fourth Congress? (*Congressional Record*, 52nd Congress, March 2, 1893, 2476)”

<sup>7</sup>See Alston, Jenkins and Nonnenmacher (2006); Theriault (2004) for a discussion of proposals increasing member salaries.

<sup>8</sup>For example, Boatner asserted that “any member who concludes that he has been sent here by his constituents to consume most of his time in merely clerical work belittles the House and belittles the high office to which the people have called him (*Congressional Record*, 52nd Congress, March 2, 1893, 2477).”

toral threat posed by a roll call vote. One supporter, Rep. James Owens (D-OH) noted that only 24 members opposed the measure via teller, but inquired whether “these men are cowardly, whether they are demagogues, or whether they will back up the vote they gave by tellers when it comes to a vote on the proposition itself? (*Congressional Record*, 52nd Congress, March 2, 1893, 2478).” The final tally suggested that Rep. Owens was right to be skeptical. The motion was adopted 132 to 57, a margin 16% closer than the teller vote.<sup>9</sup>

These early arguments for and against the expansion of congressional staff increases mirror many modern debates on the issue. Though new arguments may be added over time, members in opposition almost always point to increased costs and voter optics as a reason to reject reforms. Similarly, members in favor of expansion almost always discuss the growing workload of Congress and the position of the legislature relative to the executive branch. In general, these arguments represent a tradeoff between the desire to promote Congress as an independent and productive institution against the desire of each member of Congress to be re-elected.

## Development in the Early 20th Century

While proposals related to committee and member staff were introduced and debated in nearly every Congress between 1893 and 1917, only a handful of minor reforms were actually adopted.<sup>10</sup> In 1918, House members debated a controversial proposal that would have made member staffers House employees (and therefore paid directly by that body), as opposed to employees of the members directly. That proposal was at first defeated, but later adopted in the following year with a provision expanding the number of clerks House members were authorized to hire from one to two. Once again, the proposal was adopted in a lame duck Congress and debate was comparable to the 1893 case, in the sense that there was a strong

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<sup>9</sup>It passed the Senate the next day by a voice vote. The custom during this period was not to interfere with other chambers staffing decisions.

<sup>10</sup>See Fox and Hammond (1977) for a more thorough discussion. They highlight minor proposals adopted in 1896, 1898 and 1902.

focus on electoral concerns.

The provisions took the form of amendments to the Legislative Appropriations Act, H.R. 14078 (65 PL 314) (Fox and Hammond, 1977). Opponents argued the House could not afford the appropriation and suggested again that there would be electoral ramifications. They expressed skepticism that even after the amendment was adopted in the Committee of the Whole, it would fall by roll call. Rep. Martin Madden (R-IL) stated explicitly: “I want to say to you men here today that you will not dare to go on record on a roll call when this question is called up before the House and when a roll can be had (*Congressional Record*, 65th Congress, January 15, 1919, 1496).”

Supporters of additional staffing assistance used a variety of arguments. For example, the desire to rectify an intra-branch imbalance in staff salaries – compared to the Senate – was often stated while many also bemoaned the advantage of wealthy members who could afford to pay staff privately.<sup>11</sup> Both sides of the debate attempted to use World War I to bolster their arguments. For example, Rep. Charles Kearns (R-OH) suggested the war had doubled the administrative business for members. After the Committee of the Whole rose on January 18th, the amendment was narrowly agreed to by a 150-146 margin.<sup>12</sup> Additional increases in both committee and personal office staffing allowances occurred in 1919, 1924 and 1939, with debates taking on similar tenors.

During this period, Congress also created support staff organizations, though they were

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<sup>11</sup>On the Senate imbalance, Rep. Richard Wilson Austin (R-TN) noted: “Mr. Chairman, 35 or 40 years ago the two Houses of Congress got into a controversy in reference to the readjustment of the salaries of their employees. The House attempted to reduce the salaries of the Senate employees along with the reduction of the salaries of the House employees. The Senate opposed the proposition, and when the bill finally passed both Houses of Congress there was discrimination, the old salaries of the Senate remaining and the new or reduced salaries of the House remaining in the bill as it passed the House originally (*Congressional Record*, 65th Congress, January 15, 1919, 1493).” With respect to wealthy members, Rep. Charles Crisp (D-GA) argued “some members can pay secretaries fat salaries out of their own pocket and not feel it, both other not enough to reach down in their pockets every month to pay out 50 or 100 dollars for additional clerk hire (*Congressional Record*, 65th Congress, January 15, 1919, 1495).”

<sup>12</sup>Opponents attempted to force multiple votes by dividing the question. When this failed, a motion to recommit the bill with the amendment removed was offered, but ruled out of order. Previously, the amendment was first rejected by voice vote in the Committee of the Whole, then passed by identical 61-45 margins via division and teller.

lightly staffed and low on appropriated funds. Formal House and Senate parliamentarians were respectively established in 1909 (King, 1997; Lawrence, 2013) and 1923 (Madonna, 2011) in order to help provide presiding officers with information regarding floor procedure. Next, in 1914, Senator Robert LaFollette (R-WI), successfully amended the 1915 Legislative Appropriations Act (HR 15279, 63 PL 127) to provide 25,000 dollars to the Librarian of Congress to employ individuals tasked with helping Congress.<sup>13</sup> The organization was later renamed the Legislative Reference Service by the Legislative Reorganization Act of 1946 and the Congressional Research Service by the Legislative Reorganization Act of 1970 (Brudnick, 2008). The Office of Legislative Counsel was established in 1919 to provide members with expert technical assistance in drafting legislation (Kofmehl, 1962; Rogers, 1941). Two years later, the General Accounting Office was established by the Budget and Accounting Act of 1921 (Kaiser, 2008).<sup>14</sup>

The Great Depression led to substantial cuts to staff resources in Congress (Fox and Hammond, 1977). In addition to decreases in the amount of funds provided to members for staffers, a flat, 10% cut in member and staff salaries was hotly debated by the Senate during consideration of the Legislative, Executive and Judicial Branch Appropriations Act of 1932 (H.R. 11267, 72 P.L. 212, also dubbed the “Economy Bill.”) The debate highlighted the disjoint in support for cutting member and staff salaries as compared to reductions in federal employees more generally. After a comparably contentious debate, the the House of Representatives had passed an 11 percent reduction on the salaries of federal employees making over \$10,000 (see “Flat 10 Percent Slash is Passed by 38 to 27 Vote,” *New York Times*, June 5, 1932.) The Senate Committee reported out a bill with an amendment that included a 10 percent reduction on federal salaries with no exemption.

While almost universal agreement existed to cut member salaries, the debate over cutting

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<sup>13</sup>The amendment was adopted in the Senate by voice vote. After a fairly lengthy debate, a motion to recede and concur in the amendment, offered by Rep. Irvine Lenroot (R-WI), was adopted 140-94.

<sup>14</sup>Two additional support agencies, the Office of Technology Assessment and the Congressional Budget Office were established later. The OTA was set up in 1972 and closed in 1995. The CBO was established by the Congressional Budget and Impoundment Control Act of 1974.

salaries for the large pool of federal employee was contentious. The flat 10 percent reduction was adopted 38 to 27 after members defeated a substantial number of second-degree amendments.<sup>15</sup> Only an amendment by Senator Millard Tydings (D-MD), providing for an exemption for federal employees making under \$1,000 was adopted. During debate, many member suggests the cuts were purely about political coverage. Norris suggested they were timed to coincide with the political conventions. Senator Marvel Logan (D-K) argued reducing member and government salaries was a transparent plot to deceive constituents that would likely backfire. Specifically, he claimed member constituents will “think [they] are not competent to represent them if [they] do not know any better than to believe that [they can be] deceiv[ed] by such a fallacy as that *Congressional Record*, 72th Congress, June 2, 1932, 11798.”

Ultimately, cuts to member and staff resources remained in the final measure, but flat cuts to government employees were largely shut out. After pressure from President Herbert Hoover (R-CA), the Senate adopted an amendment by Senator George Moses (R-NH), which replaced the flat 10 percent cut with a plan calling for a 30-day furlough for federal employees.<sup>16</sup> Largely due to Moses’ amendment, the measure agreed upon by the Senate was substantially less in savings than the measure reported out by the committee (see “Senate Trims Economy Bill to \$150,000,000,” *Christian Science Monitor*, June 9, 1932.) The original committee reported bill reported savings of approximately \$238,000,000, compared to \$266,000,000 in savings from a House-passed version and \$150,000,000 in savings in the final Senate passed-measure. The version agreed to by the conference committee and signed by the President was even less, saving \$65,000,000 (see “Conferees Agree on \$65,000,000

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<sup>15</sup>Senator George Norris (R-NE) amendment fell 54 to 20, Senator Thomas Walsh (D-MT) fell 39 to 28, Senator John William Thomas’s amendment (D-CO) was defeated 40 to 20, Senator Thomas Connally’s (D-TX) fell 52 to 14, another Norris amendment was defeated 41 to 23, Senator George Vandenberg’s (R-MI) amendment fell by voice and an amendment by Neely (D-WV) that would apply the cut only to members of Congress was ruled out of order (See “Flat 10 Percent Slash is Passed by 38 to 27 Vote,” *New York Times*, June 5, 1932.)

<sup>16</sup>The amendment was initially defeated 41-42. Two days later though, a motion to reconsider Moses’ amendment was agreed to, 36-33. The amendment was then adopted 47-38.

Saving,” *New York Times*, June 19, 1932.)<sup>17</sup>

## **Growing Support for Staff Reform, 1935-1945**

Early congressional debate over staff increases had almost exclusively concerned Congress and its members. For example, several measures to expand staffing resources were defeated in the late 1930s and early 1940s. Caro (2002) pointed to both short-term financial considerations (and thus electoral concerns) and a fear of granting senior committee chairs more power. On the first, point, he cited congressional correspondent Neil MacNeil: “The damned staff cost money,’ and conservative senators believed in reducing government spending, not increasing it (Caro, 2002, 67).” During the period many members bragged about how they did not use most of their staff budget and would return the unused funds to the government.<sup>18</sup> On the second point, (Caro, 2002, 67) argued “the staff of senatorial committees was controlled by the committee chairmen giving individual senators more staff would therefore dilute the chairmens’ power, and the chairmen were not eager to have it diluted” (Caro 2002, 67).

Starting in the 1930s, the role of staff in balancing power between the legislative and executive branches became more salient. This new consideration was perhaps caused by the frequent addition of new executive bureaucracies aimed at combating the Great Depression and the related explosive expansion of presidential staff under President Franklin Roosevelt. When Congress passed the Government Reorganization Act of 1939 it not only provided six new “administrative assistants for the President,” but also granted him the authority to create the Executive Office of the President (“EOP”). Using his new authority, President

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<sup>17</sup>President Herbert Hoover (R-CA) signed the measure on June 30, 1932, but did so with “limited satisfaction.” He suggested the cuts were not sufficient enough in government programs and the cuts to government employees to severe given their limited costs (see “President Signs the Economy Bill,” *New York Times*, July 1, 1932.)

<sup>18</sup>This is a tactic still employed today. In 2012, Senator Rand Paul (R-KY) “unveiled a Publishers Clearinghouse-size check for \$500,000, the amount of unspent office funds he was returning to the U.S. Treasury after his first year in office” (Wong, 2012). Paul was just one of many senators to return high percentages of their office budgets.

Franklin Roosevelt transferred the Bureau of the Budget and National Resources Planning Board into the EOP, created the Federal Security Agency, bolstered the Interior Department and established the basis for the Office of Emergency Management (Fesler, 1987). These changes greatly multiplied the President's executive capacity.

Opponents of the Government Reorganization Act argued that the proposal would greatly increase the growing gap between the executive and Congress.<sup>19</sup> Such objections were prescient as the executive staff increase quickly snowballed and created the basis for an institutionalized, active, and modern American presidency (Burke, 2000). The arguments for increasing executive staff to meet the demands of the modern era, however, could equally be used to justify expansions of congressional staff.<sup>20</sup> What professional staffing support Congress could budget for the President they could equally provide for themselves. As noted by Krause (2002), however, congressional adjustments to presidential advantage are often delayed.

After the expansion of presidential staffing, complaints that Congress was now subservient to the executive branch were becoming more common. For every seven dollars Congress authorized the federal government to spend in 1941, it "spent only one cent on itself (CQ, 2013)." <sup>21</sup> Galloway (1946), citing House and Senate legislative counsels, noted that executive branch agencies were responsible for fifty percent off all legislation drafted in the second session of the 78th Congress (1943-1944). Committee chairs would routinely rely on executive branch staffers and lobbyists for expertise (Schickler, 2001; Fox and Hammond,

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<sup>19</sup>For example, Senator William King (D-UT) alleged the bill "proposes to reverse the constitutional process of the President recommending and the Congress legislating" (*Congressional Record*, 76th Congress, March 22, 1939, 3088). The bill, H.R. 4425, passed the Senate shortly afterwards, 63-23. It had passed the House, 246-153 on March 8, 1939. Congress had defeated a more ambitious reorganization bill (S. 3331) in the previous Congress.

<sup>20</sup>This argument is made explicit by Rogers (1941).

<sup>21</sup>CQ (2013) highlighted arguments that it was not just total staffing but the quality as well: "Its thirty-two-hundred-member staff was predominantly clerical and custodial, with not more than two hundred persons who could be considered legislative professionals. [Members] were often required to use their office clerks as the principal staff of any committee they chaired, thus ignoring professional competence as the foundation for committee staffing."

1977) and speeches were often written for members by executive branch staffers (Caro, 2002). Congress had shifted from legislative duties to oversight and checking administrative decisions (Huntington, 1965). In 1942, a study done by the American Political Science Association “concluded that only four of the seventy-six congressional committees had expert staffs prepared professionally even to cross-examine experts of the executive branch” (Caro, 2002, 65).<sup>22</sup>

In 1944, House members received a boost to their clerk budgets and the number of staffers that could be hired. The 1944 debate suggested that opposition to expanding staff budgets was weakening. Reformers again complained about their inability to attract and retain quality staffers at the wages they were offering.<sup>23</sup> They pointed to the already tremendous amount of uncertainty associated with staff jobs, which were dependent upon their member winning reelection. As proponents of staff increases did in 1918, they pointed to expanded casework stemming from a World War and increased district populations.<sup>24</sup> Finally, members commonly referenced the growing reliance on the executive branch for information as a reason to support expanding congressional staff capacity.<sup>25</sup> Opposition was more muted in the debate and substantive arguments were quite few. The few speaking in opposition argued against the measure on procedural grounds, pointed to its high cost during a war or highlighted the electoral consequences of supporting the measure.

The 1944 bill appeared to enjoy high levels of support. As Rep. John Jennings, Jr. (R-

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<sup>22</sup>See also Byrd (1988); Matthews (1981).

<sup>23</sup>Representative Adolph Sabath (D-IL), chairman of the House Rules Committee, made this point after reporting the rule, noting: “It is most difficult for members to obtain clerks for the salaries that we formerly or at present are paying them” (*Congressional Record*, 78th Congress, December 7, 1944, 9001). Sabath also pointed to the vastly increased casework since his first election (Fox and Hammond, 1977).

<sup>24</sup>Rep. Hamilton Fish (R-NY) argued “When the war is over and the G. I. Joes and the G. I. Janes come home there will be thousands of cases arising out of the war that will have to be handled in every congressional office, and they will expect prompt and efficient service” (*Congressional Record*, 78th Congress, December 7, 1944, 9002).

<sup>25</sup>Representative Everett Dirksen (R-IL) reported that Congress appropriated 120 million to a year to executive branch agencies for “exploratory and research purposes” (*Congressional Record*, 78th Congress, December 7, 1944, 9009).

TN) put it: “there is almost a universal call and demand on Congress for additional service” (*Congressional Record*, 78th Congress, December 7, 1944, 9008). Despite this universal call, it was clear that members once again worried about the electoral implications. Again the bill was passed in the lame duck period, and numerous members spoke about the need for “courage” in voting for the bill.<sup>26</sup> Spurred in large part over concerns about the expanding executive branch, Congress also adopted a resolution (S.C. Res. 23) in December of 1944 establishing the Joint Committee on the Organization of Congress to study congressional staffing and operations.

In sum, prior to the Legislative Reorganization Act (LRA) of 1946, opposition to increased staffing focused more on direct political and electoral ramifications of new expenditures rather than substantive concerns over the effectiveness of staff. Supporters pointed to workload concerns and asserted they were losing stature to other branches (either the other chamber or later, the executive and judicial branches). As congressional staffs expanded over time, the debate would evolve to add new concerns, including whether additional staff might not actually expand rather than reduce workloads.

## **The Legislative Reorganization Act of 1946**

Nearly a year after it was commissioned, the Joint Committee on the Organization of Congress, co-chaired by Representative Mike Monroney (D-OK) and Senator Robert M. La Follette, Jr. (R-WI), submitted 37 recommended congressional reforms. Perhaps the most ambitious proposed reform sought to streamline the committee systems in both chambers. In doing so, the number of Senate standing committees was to be reduced from 33 to 13 and the 48 committees in the House were combined into 19. Its second most notable proposal was to improve the quality of staffing resources available to both members and committees.

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<sup>26</sup>In response to one of the assertions members would lack the courage to support the bill on a recorded vote, Rep. Clare Hoffman (R-MI) declared that he had “never in my life gone into the cloakroom when a roll call [on legislative expenditures] was about to be had” (*Congressional Record*, 78th Congress, December 7, 1944, 9004). The bill, H.R. 5590 (78 PL 512) passed the House 202-88 on December 7, 1944. It passed the Senate by voice vote on December 15th.

The committees' proposals, which eventually became the Legislative Reorganization Act of 1946, doubled spending on the Legislative Reference Service, authorized at least four expert staff members to each Committee, provided higher salaries for staffers and expanded the legislative drafting services that could be provided by the Office of Legislative Counsel. Other recommended changes included reforming the budget process, a pay-raise for members, regulations on lobbyists and changes in scheduling for committee and floor action (Davidson, 1990; Schneider et al., 2003; Waggoner, 1946). The measure also sought to strengthen political parties through the establishment of majority and minority policy committees (Crespin et al., 2015).<sup>27</sup>

Debate over the Legislative Reorganization Act (S. 2177) began in the Senate on June 6, 1946. Supporters argued the act's primary goal was to create a more level playing field for executive-legislative relations. In an article written for the *New York Times*, La Follette Jr. (1946) argued: "In recent decades the center of gravity has been shifting to the executive branch and our national legislature has steadily declined in public esteem." In the *Washington Post*, Monroney (1946) suggested that "you might as well try to repair a B-29 with an old-fashioned monkey wrench as to do the job Congress faces today with its present tools." He added that "[f]our hundred and thirty four saints couldn't do the job that the members of the House are on to do with our present tools." Most scholarly accounts support the assertion that the act was primarily a response to the growth of executive power (Adler, 2002; Davidson and Oleszek, 1976; Huntington, 1965; Schickler, 2001).

The staffing provisions were generally characterized as being some of the least controversial aspects of the bill and they enjoyed broad, bipartisan support (Schickler, 2001). To the extent controversy existed, it centered on how staff would be selected. The original bill provided for a Director of Personnel to select staff on the basis of their expertise. But this proposal was opposed by committee chairs who viewed it to be a substantial weakening of

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<sup>27</sup>The policy committees proposal was stripped in the House, likely at the behest of Speaker Sam Rayburn (D-TX), who felt the committees would undermine his authority (Galloway, 1946). The Senate adopted policy committees separately after the act was adopted.

their power. Senator Kenneth McKeller (D-TN), the President *Pro Tempore* and Chairman of the Appropriations Committee was particularly vocal on this issue.<sup>28</sup> Eventually, La Follette sponsored an amendment striking the director position that was adopted by voice vote. Schickler (2001, 148) concludes that this “conflict between members’ interest in a competent professional staff and senior members interest in protecting their prerogatives as committee leaders came to an ambiguous resolution: there was no clear, widely accepted policy on who should select and control staff.”

While staffing increases enjoyed broad support, it was not unanimous. Again, the most common objections stemmed from traditional financial and/or political concerns.<sup>29</sup> However, other members suggested that increasing staff resources may compound their workload problems down the road and lead to less control by individual members. Senator Tom Connally (D-TX) argued adding a new layer of staff bureaucracy was a “repudiation of our responsibility” (*Congressional Record*, 79th Congress, June 8, 1946, 6539). Senator John McClellan (D-AR) argued that staff positions would compound and more positions would be created in the future. He also suggested these staffers would create more work for members and that there was a real possibility Congress would be employing so many experts that it would effectively “expert the Congress to death” (*Congressional Record*, 79th Congress, June 10, 1946, 6550).

It passed the Senate after four days of debate by a 49 to 16 margin. Navigating the bill through the House proved much more difficult. The primary point of contention was the policy committees, but debates over pay and staffing were also prominent. The measure passed the House on July 25th by a division vote of 229-61. A request for the yeas and

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<sup>28</sup>McKellar argued: “The Appropriations Committee might as well be abolished and turned over to the 44 experts who would be appointed by the Director General” (*Congressional Record*, 79th Congress, June 8, 1946, 6522).

<sup>29</sup>On the Senate side, Senator Theodore Bilbo (D-MS) made perhaps the most explicit financial/political cost argument. The House debate also featured a substantial discussion over the inclusion of a pay raise and pension plan for members. As they expressed in the past, House members were concerned about how voting for such a provision would be seen by their constituents. Ultimately, the chamber adopted an amendment dropping the base salary from 15,000 dollars, as specified by the Senate bill, to 12,000 dollars.

nays was refused. On August 2, 1946, President Harry S. Truman signed the LRA of 1946 into law, dubbing it “one of the most significant advances in the structure of Congress since its establishment (Byrd, 1988, 548).” Though scholars have argued that such a dramatic characterization may not be warranted if one evaluates the Act’s success in strengthening centralized parties (Davidson, 1990; Truman, 1959), focusing Congress more on broad legislative goals (Adler, 2002) or equalizing committee representation (Davidson, 1990), the Act was significant in that it shaped the contemporary staffing of Congress.

## **The Push for Additional Reforms, 1946-1970**

While the 1946 Act shaped modern staffing, it was not a panacea. Many members felt that “the law had not gone far enough” (Schneider et al., 2003, 8) and new challenges prompted an interest in further reforms. This lead to the establishment of a Joint Committee on the Organization of the Congress in 1965. The Committee was staffed by six House members and six Senators and co-chaired by Senator Mike Monroney (D-OK)—who as a House member served a Vice Chair of the 1945 JCOC—and Representative Ray Madden (D-IN).<sup>30</sup> Just like the 1946 Act, the primary focus of the Joint Committee on the Organization of Congress in the 1960s was not legislative staffing, though the issue played an important role.<sup>31</sup> Members, journalists and scholarly evaluations suggested that staffing was still inadequate in several important ways.

First, both the quality and quantity of committee and member staffers needed to be

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<sup>30</sup>The Committee was established when the 89th Congress passed SConRes 2. While the measure passed the Senate 88-0 and the House by voice vote, senators disagreed about whether the Committee should consider rules changes. Previous disagreements led to Southern Democratic obstruction of a 1963 proposal to establish a joint committee. Prior to the passage of S.C. Res 2 in 1965, the Senate rejected an amendment by Senator Joseph Clark (D-PA) that would have deleted language from the measure barring the committee from making recommendations on Senate rules by a 29 to 58 vote.

<sup>31</sup>The 1965 JCOC’s primary focus was reforming committee rules. Individual chairmen, still selected on the basis of seniority, had grown increasingly powerful in the wake of the 1946 reforms. The Committee sought to curb their power in a number of ways, the most notable being the requirement committees adopt specific rules (Kravitz, 1990). Additionally criticism from the Committee focused on the lack of regulations on lobbyists (Galloway, 1951).

improved. While the number of committee staffers had sharply increased, scholarly work suggested the quality was still “mixed” (Galloway, 1951, 55).<sup>32</sup> An evaluation of committee staffers suggested that about half of the committee were poorly or inadequately staffed by experts (?). And while nearly all senators appointed administrative assistants, many of these positions were filled by former secretaries or family members (?). Additionally, some expressed concern that the bulk of the committee staffers were lawyers, as opposed to individuals with more specific, substantive focuses (Kofmehl, 1962).

Second, while designed to operate as non-partisan staffers, minority party members argued that committee staff were almost exclusively majority party agents. Scholarly work and the writings of majority party members largely supported this argument, concluding that committee staff were primarily responsible to the committee chairman (?). This led minority party members to push for exclusive committee staff that they could hire and dismiss (?). Representative Fred Schewengel (R-IA) suggested the absence of minority staff led minority members to more frequently turn to special interests for guidance. He argued that “any situation which forces minority Congressmen to turn to special interests for staff work is not in the best interest of sound representative government (*Congressional Record*, 91st Congress, July 16, 1970, H6858).”

Third, support staff resources was still inadequate. The Committee argued an increase in resources for the Legislative Reference Service and General Accounting Office was necessary. Proponents argued that the LRS had developed into the principle research and reference source for Congress. However, they expressed concern that both an increase in research requests from members and an increase in reference requests from constituents would slow down the agency.<sup>33</sup> They also proposed expanding the GAO by providing for additional

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<sup>32</sup>Galloway (1951) reported that total appropriations for committee staffs, the Legislative Reference Service (later CRS) and the Office of Legislative Counsel increased five-fold in the six years since 1944. However, despite the improvement in funding, Congress still struggled to attract and retain experts. He noted that party change in control of both houses at the start of the 81st Congress led to one-third of the committee staff turning over.

<sup>33</sup>A 1966 Senate report noted: “A total of 113,628 inquiries were handled by the Service during 1965 as compared with 92,937 inquiries for the previous year—an increase of 22%. Of these inquiries, over 50% were

cost-effectiveness experts.

As it had in the past, the justification for increasing staff resources largely focused on a comparison of legislative and executive branch capacity (?). As Senator Millard Tydings (D-MD) put it: “I think it is high time that Congress face the fact that it has lost pace with the executive branch in providing itself with the necessary manpower to analyze and criticize administration recommendations for legislation (*Congressional Record*, 90th Congress, July 10, 1967, 18165).”<sup>34</sup> Journalists echoed Tyding’s and other members arguments, bemoaning the delay in congressional responses to executive branch proposals.<sup>35</sup> The JCOC viewed an increase in staff resources as necessary to compete with, in the words of Monroney, “the legions of experts available to the executive (Kuchel, 1965, 608).”<sup>36</sup>

## The Legislative Reorganization Act of 1970

The Joint Committee on the Organization of Congress concluded in 1966. Over the next four years, a variety of proposals related to the committee’s recommendations were introduced, but largely stymied. Legislation was introduced after the Committee produced their final report late in the 89th Congress, but no action was taken on them. In the 90th Congress, S 355 passed the Senate after considerable debate and amending, but was not

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reference requests from constituents, rather than legislative research assistance to Members (Senate Report No. 1629, 89th Congress, 2).”

<sup>34</sup>The JCOC’s final report highlighted this on the first page: “Under the pressure of modern circumstances, the Congress has tended to delegate authority to the executive branch of the government. While it has not abdicated its role, it has permitted that role to become diluted (Senate Report No. 1414, 89th Congress, 1).”

<sup>35</sup>Schickler (2001, 214) points to a *Time Magazine* piece called “Crisis in Congress,” which argued that Congress had been “forfeiting its powers years” and no longer “effectively check[ed] the President.” See also “Reform on the Way,” *The Washington Post*, March 14, 1965; “Congress Needs Help,” *The Washington Post*, November 25, 1965; “Congress: Reform or Refurbish,” *The New York Times*, January 26, 1967. Others noted that Congress had fallen behind not only the President, but also the Supreme Court in overall influence (see e.g. Drummond, Roscoe, 1969, “How Congress can Reclaim its Power.” *Christian Science Monitor*, June 24th).

<sup>36</sup>Monroney did concede that it would not be feasible to completely reverse the shift in legislative authority to the White House. The amount of “public focus on the presidency gives an exposure to proposed legislation” that Congress will never be able to match. While this must be accepted “as a way of life,” he argues that a stronger Congress would serve as a valuable counter-weight (Kuchel, 1965, 609).

considered in the House. Both the restrictions on the power of Committee Chairmen and Senate concessions regarding minority party committee staff led to aggressive opposition from some House members and doomed the bill (Deering and Smith, 1997). After inaction during the first session of the 91st Congress, a package of reforms were rolled together into HR 17654, a bill that would eventually become the Legislative Reorganization Act of 1970. Though many of the more controversial proposals were left out of the reform bill, the 1970 LRA would set the stage for significant future changes (Deering and Smith, 1997, 42).<sup>37</sup>

HR 17654 was introduced in the House by the Rules Committee Chairman, Rep. William Colmer (D-MS). It was referred to the Rules Committee, reported out and then first considered on July 13, 1970, under an open rule. It finally cleared the House on September 17th, 1970, but a 326-19 vote. During the debate, the chamber considered 65 amendments, several of which dealt with staffing related issues.

Consistent with the JCOC recommendations, the Legislative Reorganization Act of 1970 strongly influenced the character and capacity of committee staff. It expanded the number of professional committee staffers from four to six, a fifty percent increase over the provisions of the 1946 LRA. The expansion of committee staff was a fairly non-controversial element of the bill—at least on the House side. As it was in the past, provisions regarding minority party staffing, however, proved highly controversial. The committee-reported bill included provisions for minority control over some committee staffers. However, an amendment proposed on July 14th by Rep. Frank Thompson (D-NJ) expanded on this by providing the minority with “no less than one-third of the funds available” for investigative staff (*Congressional Record*, 91st Congress, July 15, 1970, 24484).<sup>37</sup> Thompson argued many committees already had this arrangement and it helped forge a good, bipartisan working environment.

Thompson’s amendment was aggressively opposed by many prominent Democrats. Representative John Dingell (D-MI) introduced a second-degree amendment that would have

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<sup>37</sup>Conflict in the House Rules Committee led to the decoupling of lobbying regulation and campaign finance—two of the more controversial committee recommendations—from HR 17654 (see “First Congressional Reform Bill Enacted since 1946,” *CQ Almanac*, 1970).

clarified one-third of the funds also go exclusively to the majority. He and other opponents of Thompson's amendment asserted that committee staff was non-partisan and if the minority received exclusive committee staff, the majority should as well.<sup>38</sup> Others argued that committees operated above the political fray.<sup>39</sup> Supporters of Thompson's amendment countered by suggesting this was pie-eyed. As Rep. Andrew Jacobs (D-IN) put it: "Maybe, just maybe Congress does not consist of angels (*Congressional Record*, 91st Congress, July 16, 1970, 24585)." After two days of debate, Dingell's amendment was defeated by voice vote, and Thompson's amendment adopted after a division (76-53) and teller vote (105-63).

Later in the debate the House accepted an amendment from Jacobs that struck language from the bill that authorized administrative assistants for House members and raised the amount of salary permitted to them to the level of Senate administrative assistants. Jacobs argued that previous staff pay raises in recent years would make it difficult for voters to handle another, suggesting this would "break the camel's back" (*Congressional Record*, 91st Congress, September 16, 1970, 32223)." As with previous staff pay raises, others argued against the proposal on procedural grounds, suggesting it was not appropriate in a reorganization bill. Opponents of Jacobs' amendment claimed the the House had been losing top administrative assistants to the Senate. Additionally, the provision was not mandatory and many members returned staff salary funds at the current levels. Finally, Hays pointed out that staff pay raises were very difficult to do as stand alone bills. He pointed to a recent

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<sup>38</sup>Dingell argued that Thompson's amendment provided for "highly preferential treatment in terms of services of the staff," and concluded that any "student of political science or the House of Representatives or the Congress of the United States can recognize with some clarity that this is a set of circumstances which does not work to further the very desirable goal of majority rule, and does not give the majority party in this body an opportunity to achieve an ability to work its will and to function effectively (*Congressional Record*, 91st Congress, July 15, 1970, 24484)."

<sup>39</sup>Prominent Democrats like Representatives Richard Bolling (D-MO), Majority Floor Leader Rep. Carl Albert (D-OK), and Rep. Joseph Waggoner (D-LA) all spoke out against Thompson's amendment. Judiciary Committee Chairman Emanuel Cellar (D-NY) announced it was "full of mischief (*Congressional Record*, 91st Congress, July 16, 1970, 24583)." House Administration Chairman Rep. Wayne Hays (D-OH) argued the measure would further polarize Congress and that it was being supported only because "reform" was a popular buzzword. He asserted that "if you wanted to pass a bill to legalize prostitution, you call it a reform bill and you can get it through the House in 30 minutes (*Congressional Record*, 91st Congress, July 16, 1970, 24585)." Several Democrats that spoke in favor of the measure noted their experience in the minority of a state House and Senate.

resolution he sponsored that would have raised staff pay for two staffers that was rejected 270 to 90. Jacobs amendment passed via voice. The House passed the measure the following day.

Senate consideration of HR 17654 began on October 5th 1970. Discussion of staff provisions was slightly more muted than it was in the House. The Senate considered an amendment from Senator Lee Metcalf (D-MT) that would increase the amount Senate committees could pay their staffers to the level of House committees. Much like his counterparts in the House, Metcalf argued Senate committees were losing staffers to House committees and needed to stay competitive. Prior to his amendment being voted on, the Senate agreed to consider an alternative amendment by Senator Allen Ellender (D-LA) that would strike the section of the bill that increased Senate committee salaries. Following Jacobs argument, Ellender pointed to 12 staff increases since 1951 and argued that this undoubtedly contributed to the “resentment many feel toward their government (*Congressional Record*, 91st Congress, October 6, 1970, 35028).” He had previously argued that increases in staffing led to more “passing the buck,” and led to more work—not less.<sup>40</sup> After a fairly short debate, Ellender’s amendment fell by roll call, 32-34, and Metcalf’s was adopted via voice. The bill passed the Senate 59-5 later that day. The amended measure was approved by the House via voice on October 8th and singed in law by President Richard Nixon October 26, 1970.

As recommend by the JCOC, the Act significantly increased the resources available to congressional support agencies. Most dramatically, the Legislative Reference Service became the Congressional Research Service (CRS). The name change also came with an expanded mandate to provide direct support in the legislative process in the form of policy research as well as provisions to triple its previous staff levels in order to carry out these new tasks (Fox and Hammond, 1977, 131). With these reforms, CRS drifted further away from its librarian origins and began to produce original research for the congressional community. To this day CRS continues to be staffed with a variety of distinguished professionals that are sought

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<sup>40</sup>See *Congressional Record*, 91st Congress, February 7, 1967, 3732.

after by members' offices and committees alike for their policy expertise.

Supporters of the reform followed historical patterns in their arguments for increasing staff. Consistent with debate immediately after the JCOC, the most salient point was the widespread belief among members "that Congress was seriously disadvantaged in its competition with the executive branch because of inadequate staff support" (Deering and Smith, 1997, 204). In particular, escalations in U.S. involvement in Vietnam "raised questions about the role each branch played in war powers" while President Nixon's impoundments of appropriated funds led to fierce fights with Congress (Schneider et al., 2003, 8). Since the Government Reorganization Act of 1939, the executive branch access to professional staff had skyrocketed (Burke, 2000) and presidents were well aware of their informational advantages vis-a-vis Congress. Voting for the 1970 LRA allowed members to reassert themselves in an era of an active executive and to close the informational gaps that were forming between the branches. As debate over staff-related amendments suggested, support was not universal.

Building on arguments made during debate, some scholars grew concerned that after years of increasing the size of congressional staffs the body had become more bureaucratized and less deliberative. Perhaps more troubling was the notion that staff did not actually yield the sought after productivity gains because of the management burden that such staff entailed. One prominent scholar at the time argued that "more staff means more information coming in to each member's office, with more management problems as different staff aides compete for the member's time to present their own nuggets in a timely fashion" (Malbin, 1980, 6). As such, Malbin feared that offices would be crushed under the weight of work produced by entrepreneurial staff. Ultimately, he predicted that "the new staff bureaucracy and the workload it helps create threaten to bury Congress under its own paperwork, just as surely as if the staff never existed" (Malbin, 1980, 7). While staff support grew after the 1970 LRA, concerns that staff have become a part of the management problem continued as well. Perhaps most notably, some suggested the increased availability of staff to the minority would lead to an increase in position-taking or electorally motivated behavior.

Other scholars, however, suggest that Malbin “may have overstated the significance of staff in the decline of congressional deliberation” (Deering and Smith, 1997, 220). A great variety of other congressional changes occurred throughout the 1970s which might help account for diminished deliberation. For example, Smith (2014) notes the evolution in the norms of the Senate towards a more individualistic body were occurring at roughly the same time. Despite these alternative explanations, Malbin’s (1980) more existential concerns regarding the ultimate influence of congressional staffing would gain traction in future debates on congressional reforms.

## Reforms of the 1990s

In the early 1990s Congress again sought to modernize its institutions to meet changing demands. Much like prior reform efforts ending in the LRAs of 1946 and 1970, a joint committee was set up to identify the institution’s weaknesses, investigate and debate alternatives, and ultimately to make reform proposals. After many hearings and much deliberation, the 1992–1993 Joint Committee on the Organization of Congress (‘92–‘93 JCOC) suggested changes related to the committee system, rules and floor procedure, as well as the budget process. Unlike its predecessors, the suggested proposals of the ‘92–‘93 JCOC did not directly produce successful corresponding legislation. While large legislative proposals did not result, the ideas contained in the JCOC reports would still prove influential for a series of reforms in the mid 1990s.

In contrast to prior periods of congressional reform, the early 1990s were a time in which many members of Congress felt that the present staffing levels were adequate or perhaps even too generous. While this JCOC was not primarily tasked with seeking solutions to the problems of congressional staffing, the subject of changing staff roles did arise in related testimony with the majority of sentiment being in favor of reductions.<sup>41</sup> For example, Dan

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<sup>41</sup>See: U.S. Congress. *Organization of the Congress*, Final Report of the Joint Committee on the Organization of Congress, 103rd Congress, 1st sess., 1993, H.Rept. No. 103-413.

Rostenkowski (D-IL) as chair of the House Ways and Means Committee was asked whether he thought “staffs are to large in general in the House” he replied in the affirmative arguing that they “could do with less staff.”<sup>42</sup>

While the '92-'93 JCOC did not produce a broad LRA-style reform like prior JCOCs, some of the suggestions were introduced via the 1994 Republican party “Contract with America.” After decades of minority status in the House of Representatives, the Republican party used the contract to demonstrate in detail to voters what their legislative agenda would be upon capturing the House majority in the 1994 midterm election. Given that President Clinton could still exercise the veto, not all of the proposals were likely to succeed. Among the eight proposals for votes that the House could take on the first day of the new Congress was a call to cut the overall number of House committees as well as to reduce committee staff by one third. This proposal was in fact carried out in the early 104th Congress after recently victorious Republicans took control of the House.<sup>43</sup>

The reduction of committee staff accomplished several goals. First, it fulfilled the rhetoric of the Reagan era call to reduce bloated bureaucracies in Washington. While the reduction of congressional staff is hardly a significant blow to the size of the total federal bureaucracy, targeting committee staff had the advantage of not requiring a vetoable act of Congress or the firing of government employees with civil service protection. In short, it was a plan that could be accomplished with the House majority alone. Second, with four decades of control, Democrats had ample time to select ideological allies as committee staffers. Because personnel is policy, Republicans may have considered it necessary to trim staff as a means of rebuilding committees in their own ideological image before pushing for more conservative policy agenda. Third, by cutting committee staff the new Republican majority was able to implement some of reforms suggested by the '92-'93 JCOC findings. In this way new House

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<sup>42</sup>U.S. Congress. *Committee Structure*, hearings before the Joint Committee on the Organization of Congress, 103rd Congress, 1st sess., 1993, S. Hrg. 103-74, pg. 98.

<sup>43</sup>H. Res. 6 was approved on the first day on the 104th Congress. In addition to imposing term limits on committee chairmen and the Speaker, the measure cut committee staffs by one-third.

majority could argue that it had reformed and modernized its institution.

The same wave that reduced committee staff levels also led to the end of the Office of Technology Assessment (OTA). The OTA was created in 1972 as a means of providing Congress with unbiased expert advice on emerging technologies and complex scientific issues. Following the successful Republican takeover of the House and the adoption of many Contract with America provisions, the OTA was defunded and the agency ultimately closed on September 29th, 1995. While the OTA has ceased to exist the needs of Congress to assess technology has not. Other governmental entities such as the GAO have taken up part of this burden, but often in recent years these support organizations face their own budget cuts.

Conservative members have historically been weary of spending more money on staff assistance. However, the reforms of the 1990s took step beyond mere fiscal discipline and applied the ideology of small government directly to legislative support staff. Because staff serve as a demonstrable representation of the government bureaucracy, they are vulnerable to these debates about the size and scope of the federal government. Importantly, while executive agencies and government programs more generally tend to create powerful constituencies interested in their defense, Congress may cut its own staff with little potential outcry from outside stakeholders.<sup>44</sup> One could argue that the ultimate source of the resistance to staff remained true to its historical roots: voter optics. However, promoting an image of congressional staff as an element of the bloated and out of control Washington establishment may have yielded unintended consequences by shaping modern attitudes toward support staff.

The 1995 reduction of committee staff and the elimination of the OTA demonstrate the now precarious political position of congressional staff. Whereas once Congress was concerned whether voters would reject small expansions of staff, Congress now considers whether voters would endorse significant reductions. American voters, few of whom will ever contact

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<sup>44</sup>See e.g. Zeller, Shawn. 2015. “Congress is Good at Shrinking One Part of Government” *Roll Call*, January 20.

or visit a congressional office, are largely ignorant of staffing issues and generally against investments in staff resources. Members of Congress, who do recognize the importance of staff support, remain most interested in reelection. Importantly, framing future congressional staffing debates in terms of ideology significantly reduces the potential for a proposal expanding staff resources being able pass through Congress regardless of whether Congress needs the staff to perform its duties.

## Recent Developments & Attention

While still largely operating in the background of politics, congressional staff continue to catch the attention of politicians seeking to reduce the size of government. As with prior epochs, voter optics and the desire to appear fiscally responsible remains a powerful force driving the politics of congressional staffing. Evidence suggests that this cannibalistic tendency to reduce one's own capacity continues to be the dominant frame through which congressional staff are viewed.

One example of how congressional staff have become politicized in recent decades is the application of the 2013 sequester to staff but not member pay. Prior studies of staff morale have already noted that the jobs tend to entail long hours, low pay, and high rates of turnover. With the application of sequester measures to congressional staff, more pressure was placed on an already stressed support staff. Similarly, a 2013 amendment proposed by Senator Vitter would have barred the federal government from making contributions to the health plans of congressional staff. These recent cases demonstrate a continued willingness to play partisan politics with support staff.

Perhaps because of low congressional approval numbers coupled with a lack of knowledge about staff levels, cutting congressional staff budgets is a popular strategy with voters. When looking at public opinion data in the mid 1990s, (Hibbing and Thiess-Morse, 1995) found that not only did respondents on average grossly over-estimate the size of personal office

staff in Congress, roughly 75% also supported cutting the size of congressional staff. As such, voter optics remain strongly in favor of resisting calls to increase support staff levels in Congress.

Despite the voter optics, there are several calls to increase the support for congressional staff. In particular, political scientists and journalists have pointed out that in the absence of adequate professional staff, lobbyists are privileged in lawmaking. Recent events, however, give little reason to suggest that the situation will improve for congressional staffers. For example, in June 2015, the Obama Administration announced new rules requiring overtime pay for workers making less than \$50,440 dollars. While *Roll Call* reports this amounts to nearly half of all legislative staffers, some congressional staff will be excluded from the rule.<sup>45</sup> This demonstrates that Congress continues to be reluctant to increase any kind of resources associated with congressional staff.

While reform may be difficult given voter optics, crafting potent reforms is relatively simple. Congress can spend more money on professional support staff with attention toward increasing the number of positions as well as improving the attractiveness of the jobs to improve recruitment and retention. While some of this increase will prove costly, staff expenditures can often save money in the long run. For example every dollar spent on the GAO can actually save taxpayers money through the elimination of waste, fraud, duplication, and inefficiencies.<sup>46</sup> Furthermore, the cost to the American taxpayer of having special interest lobbyists heavily participate in the creation of tax and other legislation is also likely to be much higher than the cost of providing for professional congressional staff.

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<sup>45</sup><http://www.rollcall.com/hill-navigator/half-capitol-hill-staff-qualify-overtime/?dcz=>

<sup>46</sup><http://www.gao.gov/assets/670/669613.pdf>

## Staff Numbers Over Time

The reforms discussed above have contributed to measurable changes in staff numbers and allocation over time. Using reports and estimates from the Congressional Research Service (CRS) we can track these expansions and contractions in aggregate levels of congressional staff within the past four decades. CRS has produced studies of House<sup>47</sup> and Senate<sup>48</sup> congressional staff using copies of the congressional telephone directories from 1977 to 2014. While these studies sample offices to produce estimates of aggregate chamber staffing, CRS used exact counts for leadership offices and committee staff.

Figure 1 shows aggregate levels of congressional staff by chamber from 1977 to 2014. While each senator has significantly more staff than a House member, the total number of House staffers is much higher because there are so many more members in the House. From the mid 1970s to the 1980s, we observe a trend of generally increasing staff levels for both chambers. Starting in the 1990s, the staffing levels in the House trend sharply downwards while the Senate trend is more stable in this period. The decline in House staff coincides well with the report developed from the '92-'93 JCOC generally and the Contract with America in the House more specifically. There is no significant drop in Senate staff corresponding to the changes in the House, though Senate staff levels do seem to slightly decrease in the mid-1990s. Overall, both chambers have generally experienced staff growth in the 21st Century, though the increase appears more dramatic in the Senate. Very recent years have also seen slight declines in both chambers which may be a response to more financial pressures such as the sequester.

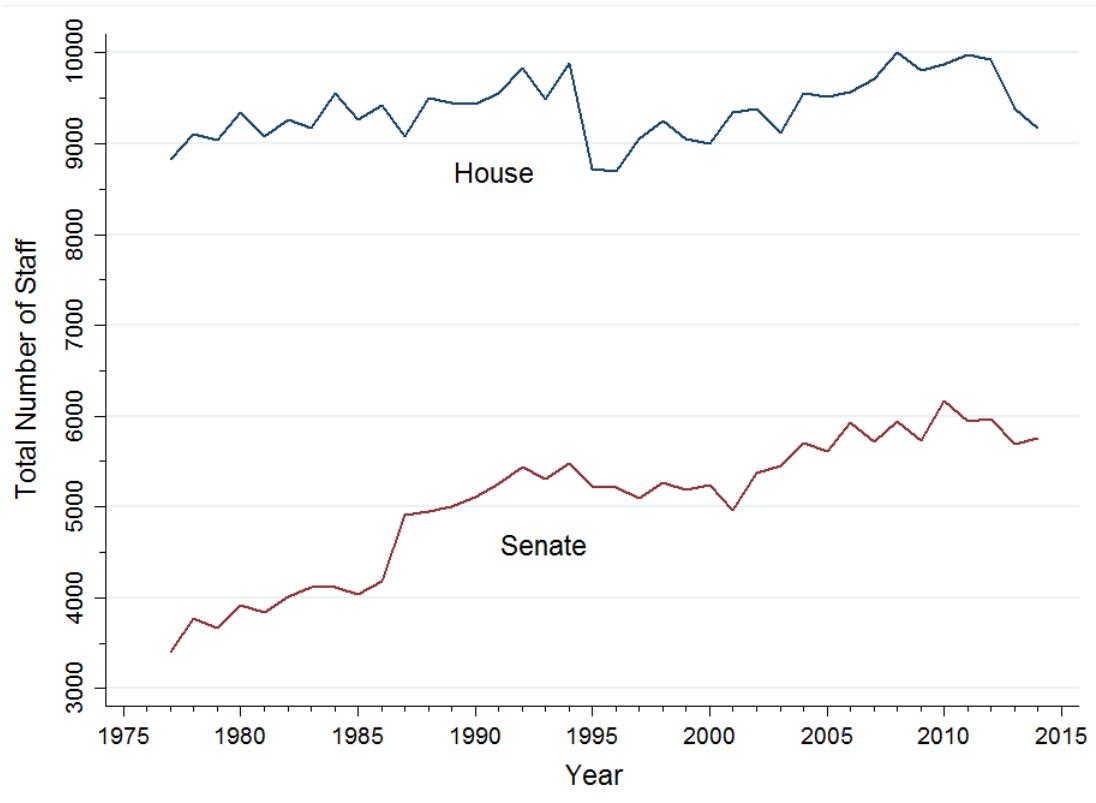
Aggregate staff levels tell the broadest story, but within these data there are also variations over time in how the staff are distributed within each chamber. For example, staff

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<sup>47</sup>See: Chausow, Lara E. and R. Eric Petersen and Amber Hope Wilhelm. 2015. "House of Representatives Staff Levels in Member, Committee, Leadership, and Other Offices, 1977-2014," Congressional Research Service, R43947.

<sup>48</sup>See Chausow, Lara E. and R. Eric Petersen and Amber Hope Wilhelm. 2015. "Senate Staff Levels in Member, Committee, Leadership, and Other Offices, 1977-2014," Congressional Research Service, R43946.

**Figure 1: Total Staff Levels by Chamber, 1977 to 2014**



working in personal offices have different roles than staff working for either leadership or specific committees. Furthermore, the Contract with American specifically targeted committee staff rather than personal office staff. Using data gathered by CRS, Figure 2 shows the aggregate levels of staffing for each chamber with respect to standing committees between 1977 and 2014. While we can see the influence of the cuts to committee staff following the Republican takeover of the House in 1995, it is also the case that we see a corresponding dip in Senate committee staff at the same time. This does suggest that, as the '92-'93 JCOC report indicated, there was widespread support for the rolling back of committee staff support at this time. While House committee staff support has increased since the low of 1995, this increase has not brought numbers at all close to the highs experienced in the early 1990s. By contrast, the Senate committee staff support trend appears more “U” shaped with a

mid-1990s dip between peaks around the years 1980 and 2010.

**Figure 2: Committee Staff Levels by Chamber, 1977 to 2014**

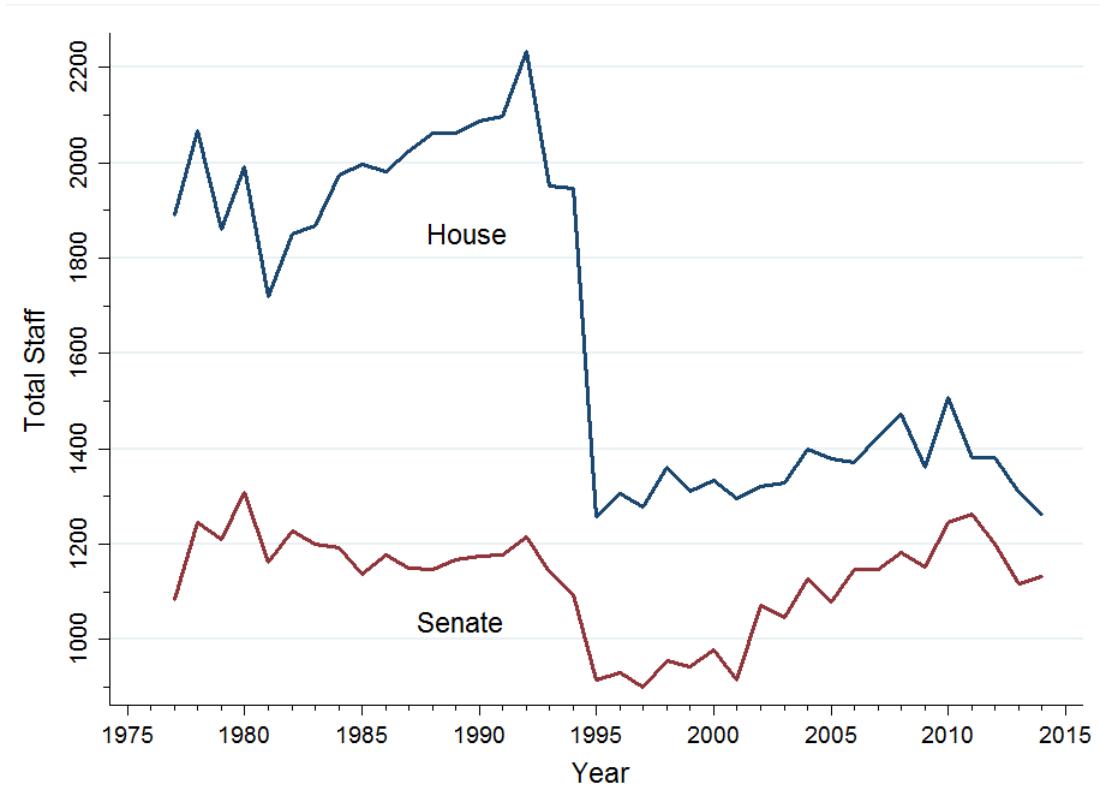
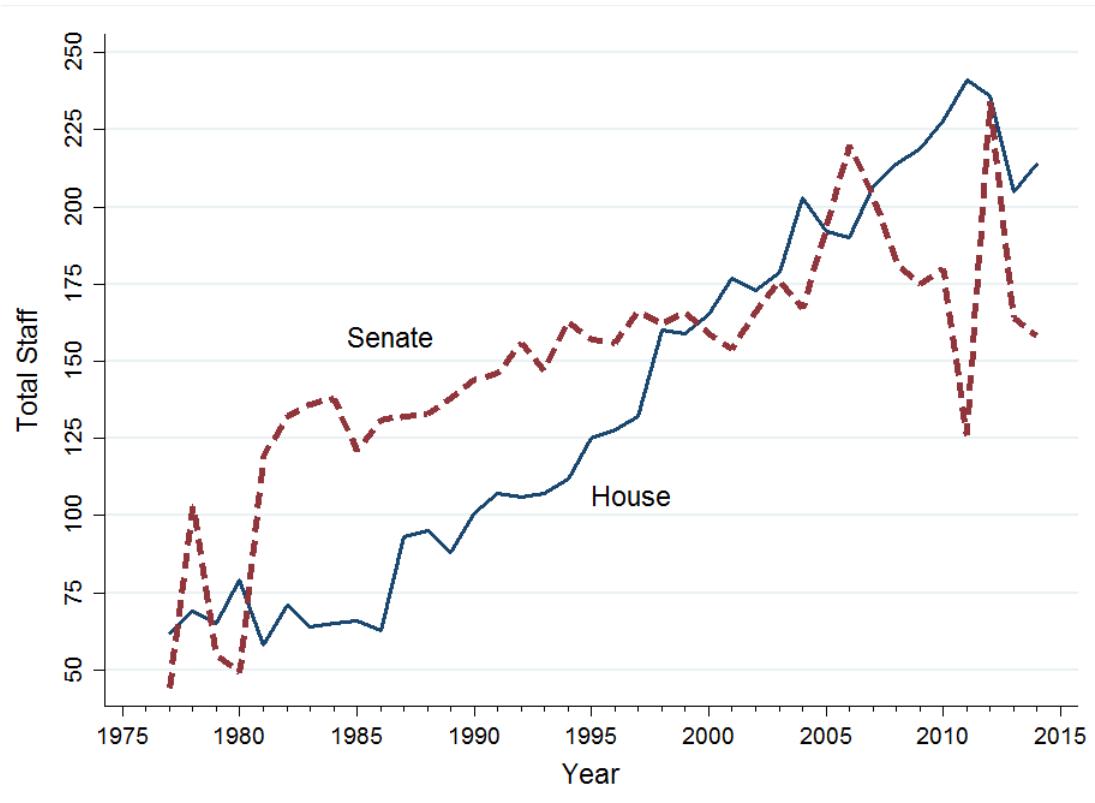


Figure 3 shows the relative levels of staff assigned to the leadership within each chamber since 1977. While not monotonic over time, the trend in both chambers is toward a radical increase in the number of staff allocated for the party leadership within each chamber. This increase is notable as it takes place alongside the downward trends observed within standing committee staffing and in aggregate staff levels during some of these years. Though the raw numbers of new staff seem small relative to the thousands of committee and personal staff, the numbers are quite significant proportionally. In the past three decades, we have observed a near four fold increase in the allocation of staff for leadership within both chambers.

Congressional leaders, whether committee chairs or party positions, have always had more access to staffing resources than rank-and-file members. In fact, many of the historical

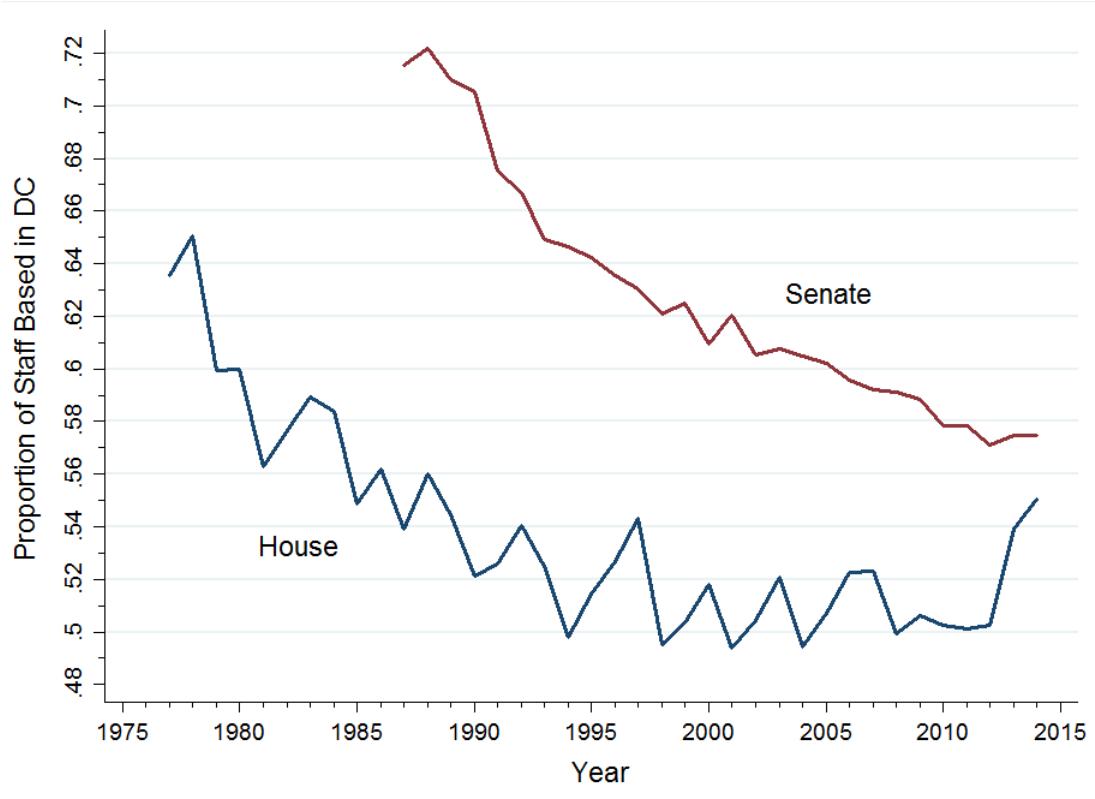
Figure 3: Leadership Staff Levels by Chamber, 1977 to 2014



debates over whether to increase the allocation of staff were directly related to adding or subtracting power from party or committee leaders. In general, increasing personal office staff was a means of equalizing power between leaders and other members. In Figure 3 we see that both the House and the Senate have increased the allocation of staff for leadership offices over the past four decades. At the same time, there has been no corresponding increase in personal office staff. This imbalance of staff growth may suggest changes in the dynamics between leaders and their rank-and-file members. For example, Curry (2015, 196) has noted that the expansion of leadership staff has created “institutionalized inequities” in which leaders are able to strategically manipulate the flow of costly information to promote their own agendas.

Even within personal offices, there are differences in how staff are allocated. While there

Figure 4: Proportion of Staff Allocated to DC Offices by Chamber



are numerous staff assignments with widely varying tasks, the broadest and most important distinction can be made by noting where a staffer works. Congressional staff that are assigned to a home district or state office play a significantly different role in legislative activity than staffers assigned to a DC office. As a general rule, staff members who are within a district or a state tend to perform tasks more closely related to constituency services while DC based staff are much more likely to be engaged in policymaking tasks. While this rule is by no means absolute, the distinction is meaningful. By choosing the proportion of staff allocated toward constituency services versus policymaking, a member of Congress is making a decision over which tasks they generally value more.

As demonstrated in Figure 4, members of Congress have been steadily shifting their

personal office staff away from DC and into their district offices.<sup>49</sup> This trend, while not monotonic, is quite strong over time and occurs in both chambers. In general, we observe that House members keep a greater percentage of staff in district offices when compared with the Senate. This trend could be a reflection of their two year election cycle and their commensurately greater focus on reelection. Overall, the trend toward allocating staff resources toward the home district or state suggests a greater emphasis on constituency services or perhaps a growing reliance on outside interests such as think tanks or lobbying firms to provide legislative informational subsidies.

## Conclusion

Historically, Congress is stuck facing the dual constraints of appeasing an electorate skeptical of staff expenditures while trying to compete with an active executive branch in an era of expanded government. As such, there is a constant pressure to expand the capacity of Congress with an often stronger reluctance to increase government expenditures. One of the common themes that developed in the early expansions of staff support was that these measures were passed in lame duck sessions. In these sessions, many members who would not be returning to Congress could cast a vote without fear of reprisal from an angry electorate. This early history also suggests that Congress does not provide itself with necessary support until well after it begins to need it. There is strong reason to believe that committee reform was delayed decades simply because members desired the extra staffing support provided by chairing less active and duplicative committees. Similarly, Congress voted itself extra staff support years after it passed a law allowing for the radical expansion of the presidency.

As staff has slowly expanded in order to allow congressional capacity to keep pace with the demands of a modern legislature, the size of the staff itself has come into question. First, there is the testable argument that more staff may not actually lend itself to increased capacity.

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<sup>49</sup>The CRS does not have data on the proportion of Senate staff working in the home state before 1987 because such staff were not listed within the telephone directories before this date.

Second, there is the fact that staff are increasingly attacked as symbolic representations of a dysfunctional Washington system. The example of the Contract with America is just one of several recent cases where staff were used as expendable pawns within a larger political game concerning the scope and size of government. For example, congressional staff were subject to the forced sequester cuts in 2013 while lawmakers, who could not agree on a budget proposal to avoid the blunt cuts, were exempt from the immediate effects of the sequester.

Many scholars and congressional advocates are now suggesting that it is again time to increase the resources available to congressional staff. In particular, there is an argument to be made that in the absence of staff resources, members of Congress will turn toward lobbyists and special interests to craft policy proposals. Furthermore, an environment in which executives are more willing and able to use an administrative strategy to further their policy agendas again calls into question Congress's ability to provide oversight. In both cases, augmenting congressional staff resources would allow the branch to better fulfill its role in government.

Decreasing investment in staffing resources such as pay and benefits also has a negative impact on morale. A 2013 report from the Congressional Management Foundation, which surveyed legislative staffers, found that nearly half of all respondents were looking for another job in the next year. When restricted to the D.C.-based staffers who are closest to policymaking, this number rose to 63 percent. By contrast, only 37 percent of U.S. employees at large are looking for jobs. Low pay was one of the main reasons. Stagnant wages can lead to staffers moving to lobbying groups (Drutman, 2015), and scholars have shown that these "revolving door" lobbyists are particularly influential (LaPira and Thomas, 2014).<sup>50</sup>

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<sup>50</sup>Movement from capitol hill to lobbying groups has been well document. For example, the New York Times reports that "[a]t least 28 aides who have worked for [Senator Max] Baucus, Democrat of Montana, since he became the [Senate Finance] committee chairman in 2001 have lobbied on tax issues during the Obama administration" (Lipton, 2013). See also Cain and Drutman (2014).

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# Appendix

Table 2: Timeline of Key Congressional Reforms

Year	Reform
1840s	First committee clerks
1885	Clerks for individual senators
1893	Clerks for individual representatives
1909	House parliamentarian established
1915	Precursor to CRS initially funded
1919	Office of Legislative Counsel established
1923	Senate Parliamentarian established
1939	Government Reorganization Act expands EOP
1945	Joint Committee on the Organization of Congress
1946	1946 LRA expands staff
1965	Joint Committee on the Organization of Congress
1970	1970 LRA expands staff
1972	Office of Technology Assessment Created
1974	Congressional Budget Act
1992-3	Joint Committee on the Organization of Congress
1995	New Republican House cuts committee staff by 1/3
1995	Office of Technology Assessment Closure

Table 3: Organizational & Other Acronyms

Acronym	Full Title
CBO	Congressional Budget Office
CRS	Congressional Research Service
EOP	Executive Office of the President
GAO	Government Accountability office
JCOC	Joint Committee on the Organization of Congress
LRA	Legislative Reorganization Act
OTA	Office of Technology Assessment